

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 26 are pending in the application and the Examiner rejected all of the claims.

The Potential Objection to Claim 9

On page 2 of the Office Action, the Examiner stated that if independent claim 8 should be found allowable, independent claim 9 will be objected to under 37 CFR §1.75 as being a substantial duplicate thereof. Applicant respectfully submits that claim 8 is directed to *parsing* a mark-up language, whereas claim 9 is directed to *generating* a mark-up language. Applicant submits that “parsing” and “generating” are opposing processes, and are not the same thing. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw this potential objection.

Rejection under 35 U.S.C. §102

On page 3 of the Office Action, the Examiner rejected claims 1-15 under 35 U.S.C. §102(b) as being anticipated by Girardot et al. (“Millau: an encoding format for efficient representation and exchange of XML over the web,” Elsevier Science Publishers, pp. 1-21 (June 2000)) (hereinafter “Girardot”).

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) M.P.E.P. §2131.

A Prima Facie Case of Anticipation Has Not Been Established

The Examiner has rejected independent claim 1, asserting that it is anticipated by Girardot, et al. The present claimed invention, as claimed in claim 1, defines a device that can use a parser or generator for both text and binary mark-up languages. XML is a text based mark-up language in which data is simply represented by strings of text. WBXML is a binary mark-up language in which data is encoded to produce tokens which represent the tag and attribute names. The client uses an index which maps a unique integer value to tokens and to strings enabling it to be used with both XML and WBXML.

The Examiner alleges that Girardot et al. disclose a parser or generator which can be used with both text and binary mark-up languages. However, as shall be explained below, this is not the case.

Girardot et al. are concerned with the compression of XML data in order to reduce the demand on the available bandwidth (section 1, introduction, para. 1). Girardot et al. have developed a new encoding and streaming technique for XML structures, called "Millau." Girardot et al. note that Millau is an extension of the WBXML (WAP Binary XML) format

(section 3, Millau Compression Model, para 1). WBXML defines a binary representation of XML as is well known.

Thus, Millau is a binary mark-up language akin to WBXML. In other words, data is encoded as tokens (as can be seen clearly from table 1 in Girardot et al.). This is confirmed by the authors in section 4, Millau API - Specification and Implementation, first paragraph, where it is noted that, “The Millau format is designed to represent XML documents in a compact way using tokens to represent tags and attributes instead of strings”. As can be seen in section 4, the authors have developed two SAX parsers and two DOM parsers, to parse the Millau stream. Each parser operates directly on the binary Millau stream (see section 4.1, second paragraph; section 4.2, second paragraph; section 4.3, second paragraph; and section 4.5, first paragraph).

Thus, it is quite clear that Girardot et al. discloses only a parser for a binary mark-up language. There is no teaching or suggestion of a parser that is for both binary and text based mark-up languages. Indeed, Girardot et al. does not teach or suggest a parser for text based mark-up languages at all. Similarly, Girardot et al. disclose only the handling of token-based mark-up languages and neither teaches nor suggests anything regarding string-based mark-up languages, let alone both, as is claimed in independent claims 8 and 9.

It can therefore be seen that independent claims 1, 8 and 9, and all claims depending therefrom, are not anticipated by Girardot et al.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-15 under 35 USC §102.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to applicant's Deposit Account No. 50-4364.

Respectfully submitted

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